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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/538,063	03/29/2000	Edward Behrens		6573

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EXAMINER

PATEL, RAMESH B

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 05/15/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/538,063

Applicant(s)

BEHRENS ET AL.

Examiner

Ramesh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 March 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

1. Claims 1-21 are presented for examination.

**Information Disclosure Statement**

2. The information disclosure statement submitted on 4/3/2000 and 3/29/2000 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

**Specification**

3. The disclosure is objected to because of the following informalities: examiner has acknowledged applicant's request to make correction to title is not in proper format to make change to the title because the change is not included in "--changed or deleted text--". Examiner like to remind the applicant that this format should be adapted to make appropriate changes in the specification, claims and/or title.

Appropriate correction is required.

4. Examiner has acknowledged applicant's submission of floppy disk which is not proper since the requirement is to submit data on CD (Compact Disk) and fails to amend the specification that the specification includes CD and how many frames, etc. The amendment and/or request

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filed 6/20/2000 amends or adds a compact disc(s) or floppy disk. However, examiner like to suggest applicant to submit data on the CD and amend the specification as required to include the CD as a part of the file and whether or not to print the data included on the CD. See 37 CFR 1.77(b)(4) and 1.52(e)(5). Applicant is required to update or insert an incorporation-by-reference of the material on the compact disc(s) in the specification.

5. Portions of this application are contained on compact disc(s). When portions of an application are contained on a compact disc, the paper portion of the specification must identify the compact disc(s) and list the files including name, file size, and creation date on each of the compact discs. See 37 CFR 1.52(e). Compact disc floppy disk labeled is not identified in the paper portion of the specification with a listing of all of the files contained on the disc. Applicant is required to amend the specification to identify each disc and the files contained on each disc including the file name, file size, and file creation date.

6. The abstract of the disclosure is objected to because the abstract includes the language "means" which is improper. Correction is required. See MPEP § 608.01(b).

7. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the

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printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

**Claim Rejections - 35 U.S.C. § 112**

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1-3 the phrase "the improvement" and/or "improved" and "such that" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention and "improvement" phrases are not appropriate for the claim language. See MPEP § 2173.05(d). Applicant is suggested to review all claims and make appropriate correction as required.

Dependent claims which are not particularly rejected are rejected based on the rejected base claim.

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*Claim Rejections - 35 U.S.C. § 102*

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Patrick et al. (US Pat 5,474,648).

As to claims 1-2, 4-5, 15, 18 and 21, Gill teaches the invention as claimed including a control and monitoring system and a method for controlling and monitoring a plurality of computer systems, comprising: a keyboard-video-mouse switch means (see, figures 1-4 and 8-12 and abstract); a plurality of keyboard-video-mouse cables each of which connects to one of a plurality of computers to be controlled and monitored, the improvement wherein each of said plurality of keyboard-video-mouse cables comprises a plurality of connectors connected to various devices as desired for network system (see, abstract and figure 8-12); an improved administration station, comprising a display for connecting to said keyboard-video-mouse switch means and plurality of housing for pacing various devices in the rack whereby a human operator can store said housing in a minimum of vertical rack space when the station is not in use and is able to position said display and said character input means and said pointer means (see, abstract and figures 1-4 and 8-12 and col. 6, line 34 to col. 9, line 25); a plurality of processor means for

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processing keyboard and mouse signals from said plurality of computers (see, abstract and col. 6, line 34 to col. 9, line 25); plurality of transceiver coupled to said devices for transmitting and receiving differential data signals between devices (see, figures 8-12 and col. 6, line 34 to col. 9, line 25).

As to claim 3, Gill teaches the system and method wherein said administration station is in slidable communication with said keyboard-video-mouse switch means whereby a human operator may slide said station toward said human operator and away from said housing and rotate said housing away from said view said display and enter character input and point to any location on said display (see, abstract and col. 6, line 34 to col. 9, line 25).

As to calms 6-9, Gill teaches the system and method wherein said plurality of processor means comprises a plurality of microcontrollers see, abstract and col. 6, line 34 to col. 9, line 25).

As to calms 10-14, 16-17 and 19-20, Gill teaches the system and method wherein said plurality of connectors each comprising a set of positions connected to one of said plurality of processor means for passing keyboard and mouse signals between one of said plurality of computers and one of said plurality of processor means and connected to said video switch means for passing red, green, blue, vertical sync and horizontal sync video signals between one of said plurality of computers and said video switch means whereby a single connector is used for

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keyboard signals and red, green, blue, vertical sync and horizontal sync video signals and said plurality of connectors comprises a fifteen position D-sub connector, programmable logic means comprises a complex programmable logic devices and said communication means comprises an EIA-RS-232 transmitter/receiver connected to said processor means for receiving data and transmitting data whereby said processor means receives commands, programming and data from said remote computer and transmits programming and data to said remote computer (see, abstract and figures col. 6, line 34 to col. 9, line 25).

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



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11. Any inquiry concerning this or earlier communication from the examiner should be directed to Ramesh Patel at (703) 308-6673.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black, can be reached on (703)307-9707.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800; following Fax numbers are provided for assisting applicant to make any correspondence through Facsimile to TC (Technical Center) - 2100:

After-Final (703) 746-7238  
Official (703) 746-7239  
Non-Official/Draft (703) 746-7240

  
Ramesh Patel  
Patent Examiner  
Art Unit-2121  
May 13, 2002